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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,753	12/03/2001	George M. Brookner	770P009588-US(PCT)	4409
2512	7590	06/21/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,753

Applicant(s)

BROOKNER ET AL.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,20-36 and 39-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,20-36 and 39-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the RCE filed on April 15, 2005. Claims 1, 20-36 and 39-72 are pending. Claims 29 and 39 are amended.

Response to Arguments

2. Applicant's arguments filed February 14, 2005 have been fully considered but they are not persuasive.

The applicant's arguments are based on the belief that the cited prior art fail to teach the memory has no descending register. Examiner believes that Herring (U. S. Patent 6,064,992) teaches a memory in a postage meter only includes ascending register and no descending register and (abstract and Figs. 1-2). The applicant further argues that the ascending register in Herring's teaching functions as a descending register since it accumulates total value of credit. Examiner respectfully disagrees because both ascending register and descending register accumulate values, but the values in ascending registers increase whereas the values in descending registers decrease.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 20, 22, 26-35, 39, 41-45, 47-49, 51 and 55-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liechti et al., U. S. Patent 5,715,164 in view of Herring, U. S. Patent 6,064,992.

As to claims 1 and 56, Liechti teaches an apparatus for accounting for the consumption of postal resources comprising (column 4 lines 43-67 and Fig. 1):

- a) a memory for providing a value indicative of the consumption of postal resources (column 4 lines 22 – column 5 line 32 and Figs. 1-3B);
- b) a processor for generating at least one record including data related to the consumption of the postal resources (column 4 line 22 – column 5 line 32 and column 10 lines 50-65 and Figs. 1-2, 6A);
- c) an output device for transmitting the at least one record related to the consumption of the postal resources to a data center, characterized in that said output device transmits said at least one record responsive to a request from the data center for the at least one record (column 3 lines 57 – column 5 line 32 and Figs. 1-2);
- d) a settlement center adapted to receive a request for funds transfer from the data center based on the at least one record and to arrange for a transfer of corresponding funds from a user account to an account associated with the postal resources, and to notify said data center comprising a computer system communication with a franking system that the transfer had been made and wherein said memory includes an ascending register (column 5 lines 1-32 and column 6 line 44 – column 7 line 23 and Fig. 1).

Liechti teaches the memory includes an ascending register as discussed above. Liechti does not teach the memory only include an ascending register and no descending register. However, Herring teaches a memory in a postage meter only includes ascending register and no descending register (abstract and Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the memory in Liechti's teaching to include ascending register only for simplification of the memory system of the postage meter.

As to claim 20, Liechti teaches a system for assessing charges for consumptions of at least first and second different resources, comprising (column 4 line 43 – column 5 line 4 and Fig. 1; *specifically, "first and second different resources" corresponds to the various types of postages that are consumed at the plurality of postage meters in Liechti's teaching*):

- a) a communication apparatus for communicating with at least first and second devices, the first device providing a first measure of consumption of the first resource, the second device providing a measure of consumption of the second, different resource (column 3 lines 47-56 and column 4 line 22 – column 5 line 11 and Figs. 1-2; *specifically, "the first device" and "the second device" correspond to the plurality of the postage meters in Liechti's teaching*);
- b) a processor for determining first charges based on the first measure of consumption of the first resource, and second charges based on the second measure of consumption of the second, different resource (column 5 lines 1-4 and column 6 line 8 – column 7 line 6 and Fig. 1; *specifically, this limitation is*

taught by Liechti as the data center collects plurality of information from the plurality of postage meters (101-1 through 101-P of Fig. 1), and each postage meter will be charged by the data center correspondently based on the determination of its consumptions);

c) a transmitter for providing first information concerning the first charges and a first account associated with the first device, and second information concerning the second charges and a second account associated with the second device for settlement of the first and second charges (column 5 lines 1-4 and column 6 line 8 – column 7 line 6 and column 9 lines 62-64 and column 11 lines 17-20 and Figs. 1, 6A; *specifically, this limitation is taught by Liechti as the data center collects plurality of information from the plurality of postage meters (101-1 through 101-P of Fig. 1), each postage meter account will be charged by the data center correspondently based on the determination of its consumptions, and each postage meter is identified by its unique serial number and account number);*

d) a settlement center adapted to receive a request for funds transfer from the data center based on the at least one record and to arrange for a transfer of corresponding funds from a user account to an account associated with the postal resources, and to notify said data center comprising a computer system communication with a franking system that the transfer had been made and wherein said memory includes an ascending register (column 5 lines 1-32 and column 6 line 44 – column 7 line 23 and Fig. 1).

Liechti teaches the memory includes an ascending register as discussed above. Liechti does not teach the memory only include an ascending register and no descending register. However, Herring teaches a memory in a postage meter only includes ascending register and no descending register (abstract and Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the memory in Liechti's teaching to include ascending register only for simplification of the memory system of the postage meter.

As to claim 29, Liechti teaches a method for use in an apparatus for processing charges for consumption of postal resources (column 4 lines 43-67 and Fig. 1):

- a) forming at least one record in memory of a postage dispensing device indicating a value of the postal resource consumed the memory including records of the postal resources consumed (column 4 line 22 – column 5 line 32 and column 6 line 44 – column 7 line 23 and column 10 lines 50-65 and Figs. 1-2, 6A; *specifically, "the memory" corresponds to the ascending register in Liechti's teaching*);
- b) electronically transmitting the at least one record to a data center for processing (column 3 lines 57 – column 4 line 21 and Figs. 1-2; *specifically, "a data center" corresponds to the controller of the postage meter in Liechti's teaching*);
- c) electronically transmitting a request for payment of the consumed postal service to a settlement center wherein a transfer of funds is effected between a

user's account and an account associated with the postal resource (column 5 lines 22-32 and column 6 line 44 – column 7 lines 23);

d) electronically notifying the data center that funds transfer is made (column 7 lines 2-9).

Liechti teaches the memory includes records of the postal resources consumed as discussed above. Liechti does not teach the memory only includes records of the postal resources consumed and not any stored value for the postal resources to be consumed. However, this matter is taught by Herring as a memory in a postage meter only includes ascending register and no descending register (abstract and Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the memory in Liechti's teaching to include ascending register only for simplification of the memory system of the postage meter.

As to claim 39, Liechti teaches a method for use in an arrangement for processing charges for consumptions of at least one resource (column 4 lines 43-67 and Fig. 1; *specifically, "resource" corresponds to postage in Liechti's teaching*), the consumptions being measured using a plurality of devices (postage meters of Fig. 1), each device being associated with a different financial account (column 5 lines 1-65 and column 9 lines 62-64 and column 11 lines 17-22 and Fig. 6A), the arrangement including a first system and a second system (Figs. 1-2; *specifically, "a first system" corresponds to computer 103 of Fig. 1, and "a second system" corresponds to memory 240 of Fig. 2 in Liechti's teaching*), the method comprising:

- a) forming at least one record from each device, each record including at least a measure of a consumption of the resource (column 5 lines 22-32 and Fig. 1);
- b) determining, for each device, charges for the consumption of the resource based on a subset of the records received from the device (column 6 line 44 – column 7 line 6);
- c) transmitting, for each device, the charges and information concerning the financial account associated with the device to the first system for settlement of the charges, and for transmitting at least one record associated with the device to the second system for storage and effecting a transfer of funds between a user's account and an account associated with the resource in a staggered manner (column 4 lines 22-42 and column 6 line 44 – column 7 line 9).

Liechti teaches each record including at least a measure of a consumption of the resource as discussed above. Liechti does not teach each device not storing funds to account for consumption of resources as they are consumed. However, this matter is taught by Herring as each postage meter only includes ascending register and no descending register (abstract and Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow each device in Liechti's teaching to include ascending register only for simplification of the memory system of the postage meter.

As to claim 49, Liechti teaches a method for use in a system, for assessing charges for consumptions of at least first and second different resources, the system including at least first and second devices, the first device providing a first measure of

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consumption of the first resource, and the second device providing a measure of consumption of the second, different resource, the method comprising (column 4 line 43 – column 5 line 4 and Fig. 1; *specifically, “first and second different resources” corresponds to the various types of postages that are consumed at the plurality of postage meters in Liechti’s teaching*);

a) receiving from the first device the first measure of consumption of the first resource, and from the second device the second measure of consumption of the second, different resource (column 3 lines 47-56 and column 4 line 22 – column 5 line 11 and column 5 lines 22-32 and Figs. 1-2; *specifically, “the first device” and “the second device” correspond to the plurality of the postage meters in Liechti’s teaching, and “not storing funds to account for consumption of resources” corresponds to the ascending register and the post-payment scheme in Liechti’s teaching*);

b) determining first charges based on the first measure of consumption of the first resource, and second charges based on the second measure of consumption of the second, different resource (column 5 lines 1-4 and column 6 line 8 – column 7 line 6 and Fig. 1; *specifically, this limitation is taught by Liechti as the data center collects plurality of information from the plurality of postage meters (101-1 through 101-P of Fig. 1), and each postage meter will be charged by the data center correspondingly based on the determination of its consumption*);

c) providing first information concerning the first charges and a first account associated with the first device, and second information concerning the second charges and a second account associated with the second device for settlement of the first and second charges (column 5 lines 1-4 and column 6 line 8 – column 7 line 6 and column 9 lines 62-64 and column 11 lines 17-20 and Figs. 1, 6A; *specifically, this limitation is taught by Liechti as the data center collects plurality of information from the plurality of postage meters (101-1 through 101-P of Fig. 1), each postage meter account will be charged by the data center correspondingly based on the determination of its consumption, and each postage meter is identified by its unique serial number and account number).*

Liechti does not teach the first device and the second device each not storing funds to account for consumption of resources as they are consumed.. However, this matter is taught by Herring as each postage meter only includes ascending register and no descending register (abstract and Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow each device in Liechti's teaching to include ascending register only for simplification of the memory system of the postage meter.

As to claim 22, Liechti teaches the first resource includes a postal service (column 4 lines 42-67).

As to claim 26, Liechti teaches the first device provides at least an amount of postage dispensed for the postal service (column 4 lines 22-67).

As to claim 27, Liechti teaches the first device includes a processor for generating at least part of a postage indicium (column 4 lines 12-15).

As to claim 28, Liechti teaches the first device includes a controller for generating at least part of a postage indicium (column 4 lines 12-15).

As to claims 30 and 43, Liechti teaches each record also includes an indicator indicative of a truncation of the value (column 11 line 39-42).

As to claim 31, Liechti teaches the consumption of the resource includes utilization of a postal service, and the individual measure includes postage dispensed for the utilization of the postal service (column 4 line 22 – column 5 line 65 and Figs. 1-2).

As to claims 32 and 44, Liechti teaches each record is associated with a different transaction of postage dispensation (column 5 lines 1-4 and column 9 lines 62-64 and Figs. 1, 6A).

As to claim 33, Liechti teaches the time information in each record is indicated by an index identifying the transaction associated with the record (column 10 lines 51-55 and item 615 of Fig. 6A).

As to claim 34, Liechti teaches the time information in each record concerns a time of the transaction associated with the record (column 10 lines 51-55 and item 615 of Fig. 6A).

As to claim 35, Liechti teaches a controller for generating at least part of a postage indicium (column 4 lines 12-15).

As to claim 41, Liechti teaches the measure of the consumption of the resource in each record includes an amount of individual postage dispensed for utilization of a postal service (column 4 line 22 – column 5 lines 4).

As to claim 42, Liechti teaches each record also includes a value indicative of cumulative postage dispensed, the value taking into account the amount of the individual postage in the record (column 4 lines 22-67).

As to claim 45, Liechti teaches the plurality of records include more than two records, and the subset of the records includes two selected records (column 5 lines 1-5 and column 6 lines 8-30 and Fig. 6A; *specifically, "two selected records" corresponds to "request packet" and "amount packet in Liechti's teaching*).

As to claim 47, Liechti teaches a controller for cryptographically processing the plurality of records (column 11 lines 17-64).

As to claim 48, Liechti teaches the plurality of records are cryptographically signed to authenticate the records (column 11 lines 47-64 and Fig. 6A).

As to claim 51, Liechti teaches the first resource includes a postal service (column 4 lines 42-67).

As to claim 55, Liechti teaches the first charges include an amount of postage dispensed for the postal service (column 4 lines 22-67).

As to claim 57, Liechti teaches the consumption of the resource includes postage dispensed for the utilization of the postal service (column 4 line 22 – column 5 line 65 and Figs. 1-2).

As to claim 58, Liechti teaches each record is associated with a different transaction of postage dispensation (column 5 lines 1-4 and column 9 lines 62-64 and Figs. 1, 6A).

As to claim 59, Liechti teaches a controller for generating at least part of a postage indicium (column 4 lines 12-15).

As to claim 60, Liechti teaches a postal security device is used to dispense postal indicia and the memory monitors the value of the postal indicia dispensed and the processor uses the value of the postal indicia dispensed and at least a time that each postal indicia is dispensed to generate the at least one record (column 4 line 12 – column 5 line 65).

As to claim 61, Liechti modified by Herring as discussed above further teaches the postal security device includes only an ascending register to monitor postal indicia dispensed (Liechti: column 5 lines 22-32 and see claim 1 above).

As to claim 62, Liechti modified by Herring as discussed above further teaches the postal security device does not include a descending register adapted to monitor a level of funds remaining available for a dispensing of postal indicia (Liechti: column 5 lines 22-32 and see claim 1 above).

As to claim 63, Liechti teaches the data center is adapted to communicate with more than one system providing postal resources (Fig. 1).

As to claim 64, Liechti teaches each system is a franking system adapted to generate postal indicia and the data center receives records from each franking system

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reflecting a value of postal indicia generated (column 4 line 22 – column 5 line 65 and Fig. 1).

As to claim 65, Liechti teaches each franking system does not store funds for generating postal indicia (column 5 lines 22-32 and Fig. 1; *specifically, this limitation corresponds to the ascending register and the post-payment scheme in Liechti's teaching*).

As to claim 66, Liechti teaches the data center controls each franking system's ability to generate postal indicia based on an indication from the settlement center that a funds transfer has been made (column 5 lines 5-11 and column 6 line 44 – column 7 line 9).

As to claim 67, Liechti teaches the transfer of funds being effected between the user's account and an account associated with the postal resource in a staggered manner (column 6 line 44 – column 7 line 9).

As to claim 68, Liechti teaches the forming of at least one record comprises retrieve a value of postal indicia generated from an ascending register of a postal security device (column 4 lines 12-65 and column 5 lines 22-32).

As to claim 69, Liechti teaches the postal security device does not include a register of funds available for generating postal indicia and receives authority to generate postal indicia from the data center (column 4 lines 10-21 and Fig. 1).

As to claim 70, Liechti teaches the data center receives records from a plurality of postal resource systems and sorts the records based on each respective postal resource system (column 9 lines 62-65 and Fig. 1).

As to claim 71, Liechti teaches the data center controls an ability of each postal resource to dispense postal resources (column 4 lines 22-67 and Fig. 1).

5. Claims 21, 23-25, 36, 46, 50 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liechti et al., U. S. Patent 5,715,164 in view of Herring, U. S. Patent 6,064,992 and in further view of Verma et al., U. S. Patent 4,833,618.

As to claims 21 and 23-25, Liechti modified by Herring teaches charging for consumption of at least first and second different resources as discussed above. Liechti modified by Herring does not specifically teach the first and second resources include different utility resources, wherein the second resource includes a utility resource, wherein the utility resource includes natural gas and electric resource. However, Verma teaches these matters (abstract and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the consumption resources in the teaching of Liechti modified by Herring to include natural gas and electric resource because this would expand the usage environment of the data center, thus to attract more consumers to use the teaching of Liechti modified by Herring for efficiently charging the consumptions based on the usages.

As to claims 36 and 46, Liechti modified by Herring teaches accounting and charging for consumption of a resource as discussed above. Liechti modified by Herring does not specifically teach the consumption of the resource includes utility consumption. However, Verma teaches accounting and charging for utility consumption (abstract and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the consumption resource in the teaching of

Liechti modified by Herring to include utility consumption because this would expand the usage environment of the data center, thus to attract more consumers to use the teaching of Liechti modified by Herring for efficiently charging the consumption based on the usage.

As to claims 50 and 52-54, Liechti modified by Herring teaches charging for consumption of at least first and second different resources as discussed above. Liechti modified by Herring does not specifically teach the first and second resources include different utility resources, wherein the second resource includes a utility resource, wherein the utility resource includes natural gas and electric resource. However, Verma teaches these matters (abstract and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the consumption resources in the teaching of Liechti modified by Herring to include natural gas and electric resource because this would expand the usage environment of the data center, thus to attract more consumers to use the teaching of Liechti modified by Herring for efficiently charging the consumption based on the usage.

6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liechti et al., U. S. Patent 5,715,164 in view of Herring, U. S. Patent 6,064,992 and in further view of Adler et al., U. S. Patent 4,069,675.

As to claim 40, Liechti modified by Herring teaches an arrangement for processing charges for consumptions of a resource as discussed above. Liechti modified by Herring does not specifically teach reallocating the resource based on statistics derived from the records stored in the second system. However, this matter is

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taught by Adler as reallocating of resources based on the index performance data (abstract and column 2 lines 35-57 and Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Liechti modified by Herring to include the feature of reallocating the resources based on the statistics derived from the collected information because this would optimize the usage efficiency.

7. Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liechti et al., U. S. Patent 5,715,164 in view of Herring, U. S. Patent 6,064,992 and in further view of Berson et al., U. S. Patent 5,819,239.

As to claim 72, Liechti modified by Herring teaches processing changes for consumption of postal resources as discussed above. Liechti modified by Herring does not specifically teach a payment record to a postal authority detailing each postage indicia generation transaction for verification, wherein the postal authority is adapted to audit the payment record. However, this matter is taught by Berson as the postal authority audits the detailing each postage indicia and the amount and payment for the usage of postage (column 4 line 62 – column 5 line 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Liechti modified by Herring to include the feature of auditing payment records of the postage as taught by Berson for preventing transaction fraud.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is 571-272-6705. The examiner can normally be reached on M-Th (10:00-7:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Cheung
Primary Examiner
Art Unit 3621
June 15, 2005

